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SUBJECT: LACK OF INDEPENDENCE CONSTRAINS JAMAICAN JUDICIARY,
SAYS CHIEF JUSTICE

SUMMARY

1. (SBU) Jamaican Chief Justice Zaila McCalla expressed frustration with the state of the Jamaican judicial system during Charge Parnell's September 11th introductory meeting. Since the 1960s, crime rates in Jamaica have increased dramatically, yet the court system has not responded with adequate modernization. Rather than functioning independently, the courts rely on the Ministry of Justice (MOJ) for all resources. McCalla cited MOJ non-responsiveness after past offers of assistance from the USG, asserting that MOJ inefficiency hampers critical judicial reform. The overburdened system needs additional funding, personnel, training, and technology. McCalla refrained from commenting on the USG's extradition request for Christopher "Dudus" Coke. End Summary.

THE NEED FOR JUDICIAL REFORM

2. (SBU) Chief Justice McCalla painted the picture of a Jamaican justice system badly in need of reform. According to GOJ reports, the current system is unequal, expensive, uncertain, slow, and complicated. Stemming from inadequate and mismanaged resources, weaknesses include too few judges, a lack of office space, inadequate judicial training, outdated technology, and a massive backlog of cases. Despite the dramatic rise in crime in Jamaica over the past five decades, the court system remains relatively unchanged. When asked to estimate the average time between a criminal arrest and a trial, McCalla responded that the courts have no statistician to provide such useful information. The Chief Justice suggested that the courts were constrained by the malfunctioning MOJ, which oversees the courts. She hinted that legislative change would be necessary for true judicial independence in Jamaica. (Note: Chief Justice McCalla was appointed by current opposition leader and former Prime Minister Portia Simpson Miller. Attorney General Dorothy Lightbourne, meanwhile, is a member of Prime Minister Golding's Jamaica Labour Party. Thus, political divisions likely complicate the relationship.)

INDEPENDENT, WELL-FUNCTIONING JUDICIARY A BENCHMARK OF
DEMOCRACY

3. (SBU) Recognizing the importance of a well-functioning, independent judiciary in Jamaica, the donor community has stepped in to assist with reform. The Government of Canada (GOC) has taken the lead in recent years, developing a modernization plan to transform the system. A Canadian advisory committee of justice reform experts helped guide the Jamaican Justice System Reform (JJSR) Initiative, which

presented its comprehensive findings in 2007. (Note: The GOJ has begun to respond to JJSR recommendations. In 2008, for example, legislation to increase the number of judges in the court system passed favorably.) In April 2009, GOC pledged more than 16 million USD to fund the Justice Undertakings for Social Transformation (JUST) Programme. The initiative aims to support legislative reforms, modernize the justice system, identify shortcomings in institutional management and organization, and provide poor urban communities better access to justice services. At the signing of the JUST agreement, Prime Minister Golding acknowledged the importance of reform, citing the link between a well-functioning judiciary and economic investment. Still, McCalla seemed to view a disconnect between these calls for reform and tangible change. In her opinion, the MOJ remains disorganized and inefficient.

COMMENT

14. (SBU) Chief Justice McCalla seemed quite discouraged by the structural impediments to judicial reform in Jamaica. She mentioned multiple offers of assistance, including those from a former U.S. Ambassador that have gone unanswered by the MOJ. Given the GOJ's current budget challenges, it seems unlikely that the MOJ will receive an additional internal allocation in the near future. Thus, MOJ responsiveness to donor funding of justice reform programs should be a priority. At present, USAID is not involved in any significant judicial reform program. However, beginning September 25, 2009, in conjunction with the British High Commission, the Embassy's Narcotics Affairs Section is sponsoring a training session for sixty Jamaican prosecutors and senior investigators. The goal is to

enhance the skills and cooperation of these officials. Jamaica's high crime rates, coupled with the inadequacies of its justice system, undoubtedly have a negative impact on AmCits who visit or live on the island. McCalla seemed appreciative of ChargQ Parnell's visit and appeared committed to maintaining a positive working relationship with the USG. End Comment.

PARNELL